

IN RE: PETITION FOR ZONING VARIANCE
NE/S Johnnycake Road, corner
NW/S of Garret Street
(5918 Johnnycake Road)
1st Election District
1st Councilmanic District
Vernie L. Grubb, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-14-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side street setback of 6 feet in lieu of the required 25 feet as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 5918 Johnnycake Road, is zoned D.R. 5.5 and is currently improved with an existing single family dwelling. The Petitioners propose constructing a one-story two-car garage addition on the east side of the dwelling along Garret Street, a paper road. Due to the unique characteristics of the property and the layout of the existing dwelling, strict compliance with the zoning regulations would result in the loss of a cellar entranceway and window views from the rear of the dwelling. The Petitioners indicated they discussed their plans with the adjoining neighbors who have no objections to their proposal.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of July, 1988 that the Petition for Zoning Variance to permit a side street setback of 6 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the garage addition to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 28, 1988

Mr. & Mrs. Vernie L. Grubb
5918 Johnnycake Road
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
NE/S Johnnycake Road, corner NW/S Garret Street
1st Election District; 1st Councilmanic District
Case No. 89-14-A

Dear Mr. & Mrs. Grubb:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

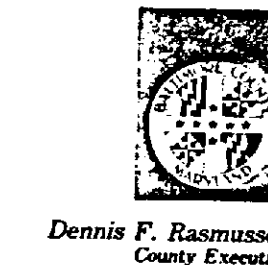
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

ORDER RECEIVED FOR FILING

Date 7/28/88
By J. Robert Haines

ORDER RECEIVED FOR FILING

Date 7/28/88
By J. Robert Haines

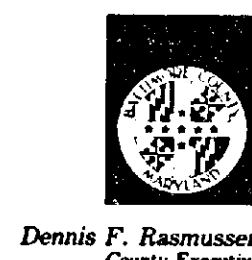
-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 7, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-14-A
NE/S Johnnycake Road
Cor. NW/S Garret Street
(5918 Johnnycake Road)
1st Election District - 1st Councilmanic
Petitioner(s): Vernie L. Grubb, et ux
HEARING SCHEDULED: MONDAY, JULY 25, 1988 at 10:00 a.m.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Vernie L. Grubb, et ux
File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

89-14-A

District 1st
Posted for: Variance
Petitioner: Vernie L. Grubb et ux
Location of property: NE/S of Johnnycake Road, Cor. NW/S Garret Street (5918 Johnnycake Road)
Location of Sign: Along front of 5918 Johnnycake Road
Remarks: See front of 5918 Johnnycake Road
Posted by: J. Robert Haines
Date of return: 7-8-88
Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 7-6-88

Mr. & Mrs. Vernon L. Grubb
5918 Johnnycake Road
Baltimore, Maryland

Re: Petition for Zoning Variance
CASE NUMBER: 89-14-A
NE/S Johnnycake Road Cor. NW/S Garret Street
(5918 Johnnycake Road)
1st Election District - 1st Councilmanic
Petitioner(s): Vernie L. Grubb, et ux
HEARING SCHEDULED: MONDAY, JULY 25, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Grubb:

Please be advised that \$30.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52863

gn and post set(s), there
ee for each set not

DATE 7/7/88 ACCOUNT 01-115-000

AMOUNT \$ 30.00

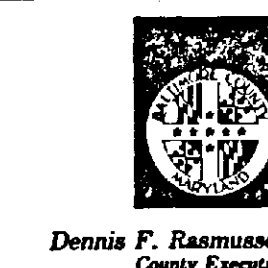
RECEIVED FROM: Vernie L. Grubb, et ux

FOR: Building & Code

B 019*****8205* b254F

89-14-A

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. (Policy 2-14) to permit a side street setback of 6 feet in lieu of the required 25 feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. Existing driveway is on the right side of the house. To put the garage in the far left rear (detached) of the lot would mean extending the driveway through the entire back yard, making the back yard useless.
 2. The garage cannot be attached to the rear right side of the garage because the basement stairway is on that side of the house and windows existing.
 3. The garage is needed to protect the vehicles we own.
 4. Other reasons may be stated at the time of the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name

Legal Owner(s):
Vernie L. Grubb
(Type or Print Name)
Signature
Address
City and State

5918 Johnnycake Rd. 747-0210
Baltimore, Md.
Name

ORDER RECEIVED FOR FILING

Date 7/28/88
By J. Robert Haines

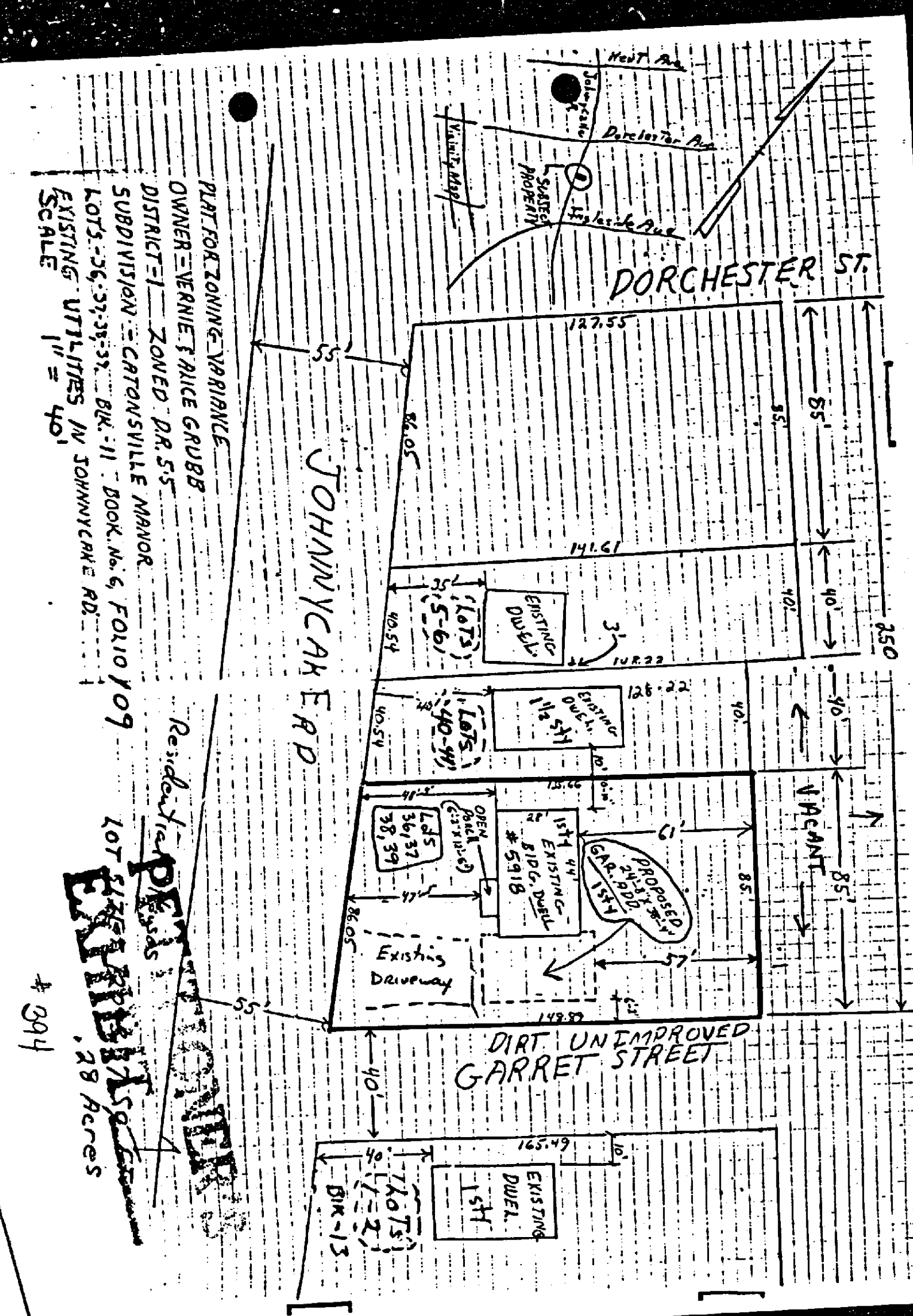
MAP SW-1F
E.D. 1st
DATE 7-8-88
200
1000
DP

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52412
DATE 7/27/88 ACCOUNT 01-115-000
AMOUNT \$ 25.00
RECEIVED FROM: Vernie L. Grubb
FOR: Variance # 394 uca
B 130*****3601* 200 F
VALIDATION OR SIGNATURE OF CASHIER

County, this 11th day
of this petition be advertised, as
apers of general circulation through-
the hearing be had before the Zoning
Board in Towson, Baltimore
County, at 10:00 o'clock
Robert Haines
Zoning Commissioner of Baltimore County.

Zoning Description

Beginning on the NE/S of Johnnycake Rd corner of
the NW/S Garret Street (Paper Street). Being lots
36-37-38-39 Block 11, in the subdivision of Catonsville Manor.
Book no 6 Folio 109. Also known as 5918 Johnnycake Rd. in the
1st Election District.



DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

May 10, 1988

James Robert Haines
Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exception
and Variances
My File No.: 89-14

Dear Mr. Commissioner:

Please be advised that I represent the lessors of the property located at 5306 East Drive, which is owned by Mildred Ihrie.

I recently filed a Petition for Special Exception and for Variances.

My clients indicate to me that it is of the utmost importance that they acquire a hearing as soon as possible concerning the zoning requests.

I would not normally make such a dire request, but is important that they obtain a hearing immediately or they may lose their right to use this property entirely.

Accordingly, would you set this matter in for hearing immediately and have your office contact me so a date may be set that will not be in conflict with all schedules.

Thank you for your cooperation.

Very truly yours,
S. ERIC DINENNA

SED:jec
cc: Mr. William Ihrie, II
Elmer McConkey, Esquire

RECEIVED
MAY 11 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions 89-4-A, 89-5-A, 89-14-A, 89-15-A, 89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A, 89-27-A, 89-28-A, 89-29-A, and 89-34-A

Date: June 20, 1988

There are no comprehensive planning factors requiring comment on these petitions.

P. David Fields per J. G. Hoswell
Office of Planning and Zoning

PDF/jst
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

cc: Mr. & Mrs. Vernon L. Grubb

RECEIVED
JUN 23 1988
ZONING OFFICE

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 30, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 30, 1988

THE JEFFERSONIAN,

S. Zeke Orlin
Publisher

33.75

NOTICE OF HEARING

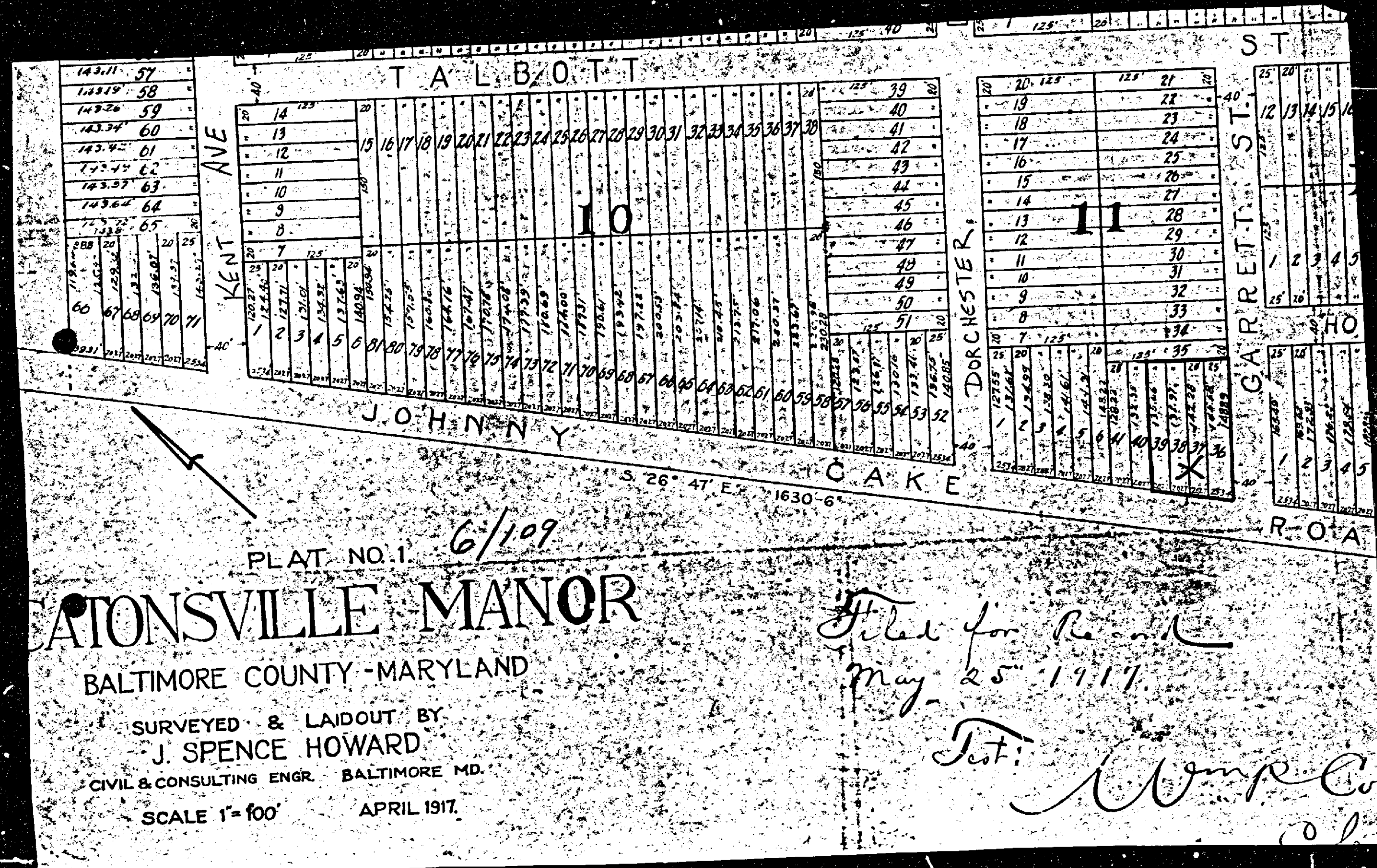
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for special exception and variance for the property located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case No. 89-14-A, N.E. 5306 East Drive Cor. N.W. 5306 East Drive (5916 Johnny Cake Road) in Baltimore County, in Condemnation District Petitioner: Mildred Ihrie, et al. Hearing Date: Monday, July 25, 1988 at 10:00 a.m. Notice is hereby given that a public hearing will be held on the above petition for a special exception and variance for the property located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

6431 June 30, 1988
J. ROBERT HAINES
Zoning Commissioner of Baltimore County



PATUXENT Publishing Company

10750 Little Patuxent Parkway
Columbia, Maryland 21044

Phones: Columbia 730-3620, Wash. 621-5232, Balt. 995-1667

THIS IS YOUR INVOICE AND STATEMENT

BALT CO OFC OF CENT SVCS
412 COURTS BLDG
401 BOSLEY AVE
TOWSON MD 21204

ACCOUNT NO.
BALT494208A

PAPER	DATE	CAPTION, CATCH LINE OR DESCRIPTION	SIZE	AMOUNT
FLYER	6/30/88	PLEASE NOTE! THIS IS AN INVOICE FOR THE AD NOTED BELOW	00090	33.30
OVER 50 DAYS				
OVER 60 DAYS				
OVER 90 DAYS				
CURRENT				
TOTAL				33.30

TYPE ADVERTISING CODES

Payment: All bills are due and payable upon receipt of statement. A service charge of 10% will be added to all bills not paid within 10 days of the date of billing.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for special exception and variance for the property located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County

204-C/June 30

Office of
PATUXENT Publishing Company
10750 Little Patuxent Parkway
Columbia, MD 21044

June 30 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:

☐ Catonsville Times \$33.30 ☐ Booster Weekly

☐ Arbutus Times ☐ Owings Mills Flier

☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 2 day of July 19 88, that is to say, the same was inserted in the issues of

June 30, 1988

PATUXENT PUBLISHING COMPANY
By [Signature]

\$82.05

89-14-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
11th day of May, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Vernon L. Grubb, et ux
Petitioner's
Attorney _____

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

June 2, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items
number 390, 392, 394, 395, 396, 397 and 401.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
JUN 6 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 18, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

o o o

Mr. & Mrs. Vernon L. Grubb, et ux
5918 Johnnycake Road
Baltimore, Maryland 21207

RE: Item No. 394 - Case No. 89-14-A
Petitioner: Vernon L. Grubb, et ux
Petition for Zoning Variance

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Dear Mr. & Mrs. Grubb:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

May 18, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Vernon L. Grubb, et ux

Location: NE/S of Johnnycake Rd., corner of NW/S Garret St.

Item No.: 394

Zoning Agenda: Meeting of 5/10/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Joseph Kelly* 5-18-88
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau